

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
974' W of end of Whitesworth Rd.,
which is on W/S Jarrettville Pk.
3317 Whitesworth Road
10th Election District
3rd Councilmanic District
Richard Borschuk
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance and special variance filed by Richard Borschuk for that property known as 3317 Whitesworth Road in the Four Ponds South subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the side and front yards in lieu of the required rear yard; and to amend the Final Development Plan for lot No. 1, "Four Ponds South". All as more particularly described on Petitioner's Exhibit No. 1, the revised site plan to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits

submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of January, 1994 that the Petition for a Zoning Variance and Special Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the side and front yards, in lieu of the required rear yard; and to amend the Final Development Plan for lot No. 1, "Four Ponds South", be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 25, 1994

Mr. Richard Borschuk
3317 Whitesworth Road
Jacksonville, Maryland 21131

RE: Petition for Administrative Variance
Case No. 94-216-AA
Property: 3317 Whitesworth Road

Dear Mr. Borschuk:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3317 Whitesworth Rd., Jacksonville, MD 21131
which is presently zoned RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Variance from Section(s) 400.1 of B.C.Z.R. to permit

- an accessory structure to be located in the side and front yards in lieu of the required rear yard; and to amend the Final Development Plan for lot No. 1, "Four Ponds South". All as more particularly described on Petitioner's Exhibit No. 1, the revised site plan to accompany the Petition.
1. Permitting the multi-ped consists of 4-6000 w/dts
 2. Permitting the multi-ped consists of 4-6000 w/dts
 3. Possible plans for a future in ground pool in the rear yard
 4. Location requested is accessible from the driveway as well as the exterior garage door

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Price
Bids/est. Bully (Michael Pasi)
Signature
P.O. Box 356
Manhatten, Md. 21111
City State Zip
Address
Phone No.
City State Zip

Mr. Richard Borschuk
Signature
3317 Whitesworth Rd. 666-3091
Jacksonville, Md. 21131
Phone No.
Michael L. Pasi, owner
P.O. Box 356, Manhatten 21111 391-8240
Phone No.

REVIEWED BY: JL DATE: 1/19/93
ESTIMATED POSTING DATE: 12/15/93

Printed on Recycled Paper
ITEM # 213

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at
3317 Whitesworth Rd.
Jacksonville, Md. 21131
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include reasons to practice difficulty)

1. Presently the multi-ped consists of 4-6000 w/dts
2. Permitting the multi-ped consists of 4-6000 w/dts
3. Possible plans for a future in ground pool in the rear yard
4. Location requested is accessible from the driveway as well as the exterior garage door

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Richard Borschuk
Richard Borschuk
Signature
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of November, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Richard Borschuk
Richard Borschuk
Signature
AS WITNESS my hand and Notarial Seal.

Richard Borschuk
Richard Borschuk
Signature
My Commission Expires: July 1994

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 3317 Whitesworth Rd.
Election District 10 Councilmanic District 3

Beginning at a point on the West side of
(north, south, east or west)
Whitesworth Rd. which is 22'0"

(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 97' West of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street THE WEST END OF WHITESWORTH RD.
(name of street)
which is 30'0" wide. *Being Lot # 1

(number of feet of right-of-way width)
Block 58, Section 58-146 in the subdivision of
Four Ponds (South) as recorded in Baltimore County Plat

Book # 58, Folio # 146, containing
046,157 sq. ft. 6,651 AC.

(square feet and acres)
*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87' 12" E. 321.1 ft., S. 18' 27' 03" E. 87.2 ft., S. 62' 19' 00" W. 318 ft., and N. 08' 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 10th Date of Posting 1/19/93
Posted for: Richard Borschuk
Petitioner: Richard Borschuk
Location of property: 3317 Whitesworth Rd., Jacksonville, Md. 21131
Location of Sign: Front yard, on property being zoned
Remarks: 1st of 1st of Whitesworth Rd.
Posted by: [Signature] Date of return: 12/15/93
Number of Signs: 1



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 11/18/93 94-216-AA
Account: R-001-6150
Number 213
CODE 080 SIGN POSTING 35.00
CODE 010 RES. VAR. 50.00
CODE 030 (AMENDMENT AS PART OF HEARING) 50.00
TOTAL \$ 135.00

CHECKER: BORSCHUK
LOC: 3317 WHITESWORTH RD.

Cashier Validation
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
94-216-AA
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 213
Petitioner: Richard Borschuk

Location: 3317 Whitesworth Rd., Jacksonville, Md. 21131

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard Borschuk

ADDRESS: 3317 Whitesworth Rd.

Jacksonville, Md. 21131

PHONE NUMBER: (410)-666-3091

Ad:gjs

(Revised 04/09/93)

Item Number: 213
Planner: JLL
Date Filed: 11/18/93

PETITION PROCESSING FLAG

94-216-AA

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the zoning commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or zoning commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acresage
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- RCR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's commission has expired

FET-FLAG (TXTSOFH)
11/17/93

Note: is required on 2 forms
Not required on one.
I'm facing this through as type old.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 24, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Richard Borschuk
3317 Whittemore Road
Jacksonville, Maryland 21131

Re: CASE NUMBER: 94-216-AA (Item 213)
3317 Whittemore Road
974' W of end of Whittemore Road, which is on W/S Jarrattville Pike
10th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 5, 1993. The closing date (December 20, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jahn

Arnold Jablon
Director

cc: Michael L. Ponsi

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 10, 1993

Mr. Richard Borschuk
3317 Whittemore Road
Jacksonville, Maryland 21131

Re: Case No. 94-216-AA, Item No. 213
Petitioner: Richard Borschuk
Petition for Administrative Variance

Dear Mr. Borschuk:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 18, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lightizer
Secretary
Ms. KASSAM
Administrator

11-24-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: BALTIMORE CO.
Item No: 94-213 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for DAVID H. KANSKY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 29, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 200, 202, 204, 205, 206, 207, 208, 209, 210, 212, 216 and 217.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: David L. Ponsi

PK/JL:lw

ZAC, 202/PZCNR/ZAC1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

December 7, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #213 - Borschuk
3317 Whittemore Road
Zoning Advisory Committee Meeting of November 29, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The site plan provided shows only a 50 ft. stream buffer when in fact there was a 200 ft. stream buffer shown on the Development Plan. This plan cannot be approved as shown. The proposed development may in fact be located within the stream buffer. If you have any questions, please contact David Lykens at 887-3980.

JLP:DL:sp

BORSCHUK/DEPRM/TXTSFP

RECEIVED
DEC 15 1993

ZADM

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204

DECEMBER 7, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: MEETING OF NOVEMBER 29, 1993

Property Owner: Jerome A. Siegel, et al
Location: #6500 Block Baltimore National Pike -- Pike Park Plaza
Item No.: #210 (JCH)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Round Hollow Limited Partnership
Location: #1015 York Road
Item No.: #215 (JJS)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Giles Building and Development Company
Location: #6918 Ridge Road - Fuller Medical Center
Item No.: #216 (MJR)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Frost Brothers Development Corporation
Location: #5 Russell Frost Court
Item No.: 217 (JRF)
Comment: 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: Manor Farm Homes, Inc.
Location: #8 Clarion Court
Item No.: 206 (JRF)
Comment: 7. The Fire Prevention Bureau has no comments at this time.

Property Owner: Arthur Smith & Arlene Smith
Location: #950 Seneca Park Road
Item No.: 207 (MJR)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Lawrence E. Schmidt
Zoning Commissioner

DATE: January 19, 1993

FROM: Patricia M. Farr

SUBJECT: Case Number 94-216-AA (Item 213)

The site plan that was originally submitted with the above-referenced zoning item incorrectly indicated a 50 foot stream buffer. A revised site plan was provided by the applicant (see attached plan) showing the correct 200 foot stream buffer. No disturbance is proposed within the correct stream buffer, therefore, Environmental Impact Review can now recommend approval of the zoning item.

If you have any questions regarding this project, please contact Mr. David Lykens at 887-3980.

Patricia M. Farr, Program Supervisor
Environmental Impact Review

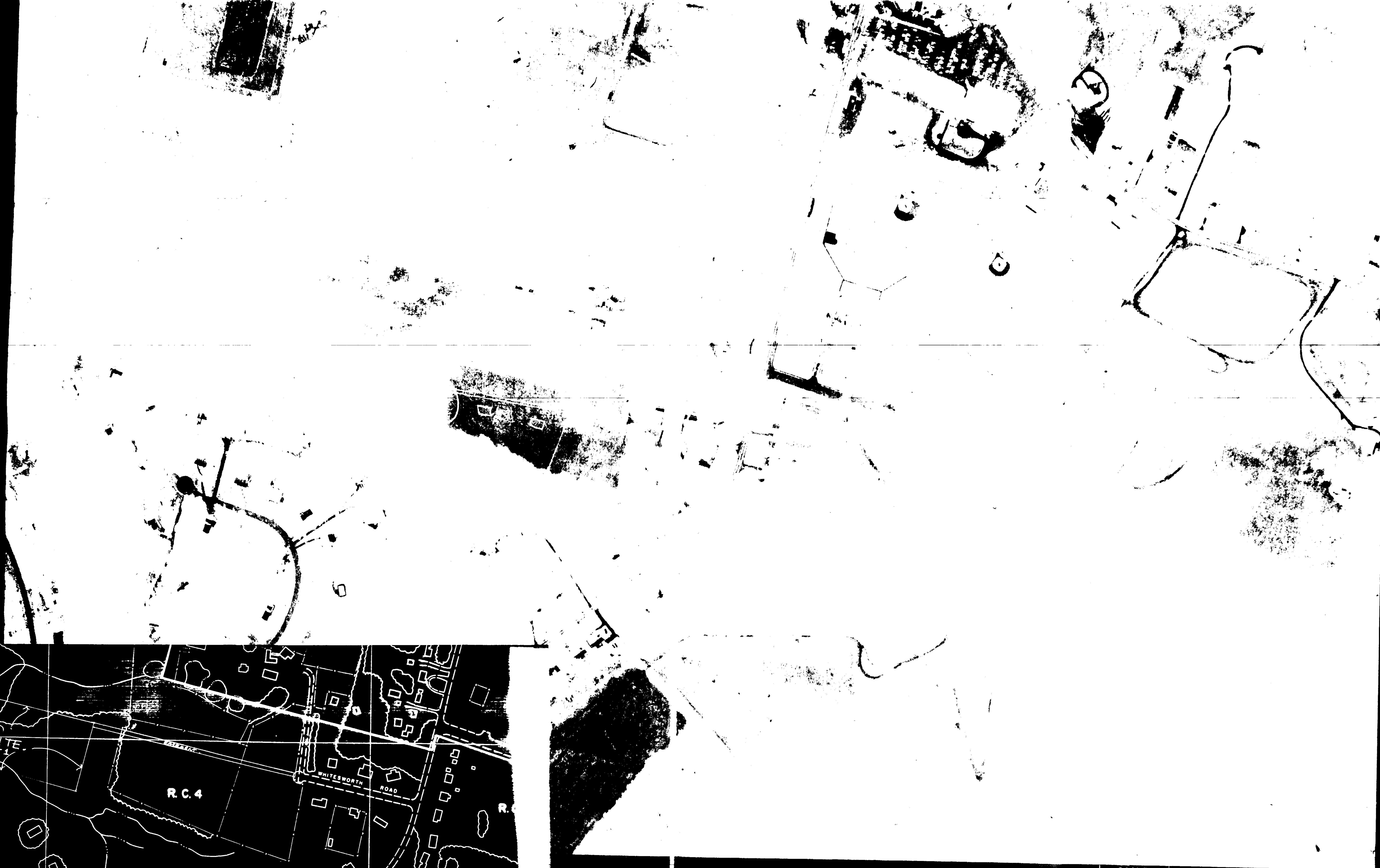
PME:sp

Attachment

SCHMIDT/DEPRM/TXTSFP

RECEIVED
JAN 20 1993
ZONING COMMISSIONER

DATE: 10-9-89



BALTIMORE COUNTY DEPARTMENT OF PLANNING AND ZONING AERIAL PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	SOUTH OF	N.E.
DATE OF PHOTOGRAPHY JANUARY 1996	JACKSONVILLE	20-C
	94-216-AA	

#213